

APPEAL NO. 021792
FILED AUGUST 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 27, 2002. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of _____, extends to and includes an injury to the cervical spine and right shoulder, but does not extend to and include the claimant's thoracic spine, hands, and/or bilateral carpal tunnel syndrome (CTS). The claimant appealed the hearing officer's determination that the compensable injury does not extend to and include the claimant's thoracic spine, hands, and/or bilateral CTS. The respondent (carrier) responded, requesting affirmance. There is no appeal of the hearing officer's determination that the claimant's compensable injury extends to and includes an injury to the claimant's cervical spine and right shoulder.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that the claimant sustained a compensable injury in the form of bilateral epicondylitis and left shoulder rotator cuff syndrome, and that the compensable injury does not extend to and include an injury to the claimant's lumbar spine. The claimant had the burden to prove the extent of her compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge